

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

STATE OF TENNESSEE, <i>ex rel.</i>)	
JONATHAN SKRMETTI, ATTORNEY)	
GENERAL and REPORTER, and)	
COMMONWEALTH OF KENTUCKY, <i>ex</i>)	
<i>rel.</i> DANIEL CAMERON, ATTORNEY)	3:23-CV-00046-DCLC-JEM
GENERAL,)	
)	
Plaintiffs,)	
)	
v.)	
)	
IDEAL HORIZON BENEFITS, LLC d/b/a)	
SOLAR TITAN USA, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This matter is before the Court on Defendants Michael Atnip and Craig Kelley’s Motion to Extend Time to Respond to Plaintiffs’ Motion for Temporary Restraining Order and Order Appointing a Receiver [Doc. 38]. On February 7, 2023, the Court granted Plaintiffs’ *ex parte* Motion for Temporary Restraining Order and for Appointment of Receiver [Doc. 21] and set the matter for a preliminary injunction hearing for February 15, 2023, at 1:30 p.m. [*Id.* at pgs. 24–25].¹ The Court further ordered Defendants to file and serve any answering pleadings, affidavits, motions, expert reports or declarations, or legal memoranda no later than four days prior to the scheduled hearing [*Id.* at pg. 25]. Defendants Atnip and Kelley now seek a one-week extension of the deadline to file responsive pleadings and a continuance of the February 15, 2023 hearing.

¹ The Federal Rules governing Temporary Restraining Orders require the preliminary injunction hearing to be set “at the earliest possible time” when a temporary restraining order is issued without notice. Fed.R.Civ.P. 65(b)(3).

Defendant Sarah Kirkland opposes the requested continuance and asserts that there is not good cause to continue the hearing and extend the TRO [Doc. 48]. Defendant Kirkland, however, acknowledges the “incredibly quick turnaround” and the fact that the briefing schedule has “proven exceptionally difficult to comply with.” [*Id.* at pg. 2].

Considering the expedited nature of the proceedings thus far and the likelihood of prejudice to Defendants due to the significantly brief period of time to prepare, the Court finds good cause for the requested relief. *See Marshall Durbin Farms, Inc. v. Nat'l Farmers Org., Inc.*, 446 F.2d 353, 358 (5th Cir. 1971) (“the opportunity vel non of a defendant to contradict a plaintiff’s factual showing may have a determinative effect on the outcome, since, understandably, the courts are more cautious about invoking the extraordinary remedy of the preliminary injunction where critical facts are in dispute.”). Accordingly, Defendants’ motion [Doc. 38] is **GRANTED**.

It is hereby **ORDERED** that the preliminary injunction hearing currently scheduled for February 15, 2023, is **CONTINUED** to **February 27, 2023, at 10:00 a.m. at the James H. Quillen United States Courthouse in Greeneville, Tennessee, Courtroom 420**. The parties shall file and/or serve any pleadings concerning the entry of a preliminary injunction within the time periods provided in Section XXV of the Temporary Restraining Order [Doc. 21]. It is further **ORDERED** that the Temporary Restraining Order is extended for an additional 14 days from the entry of this Order.

SO ORDERED:

s/ Clifton L. Corker
United States District Judge